

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INTELLIGENT DIGITAL SYSTEMS, LLC, RUSS
& RUSS PC DEFINED BENEFIT PENSION PLAN,
and JAY EDMOND RUSS,

Plaintiffs,

-against-

VISUAL MANAGEMENT SYSTEMS, INC., JASON
GONZALEZ, ROBERT MOE, MICHAEL RYAN,
COL. JACK JACOBS, Ret. and MARTY McFEELY,

Defendants.

X

Case No. CV-09-974
(LDW/ETB)

JUDGMENT

X

Plaintiffs, having moved by Notice of Motion dated June 9, 2010 for an Order:

a) Pursuant to FRCP 56(c), granting Plaintiffs summary judgment against Visual Management Systems, Inc. a/k/a Intelligent Product Development Group, Inc. ("VMS"), as follows:

i. On behalf of INTELLIGENT DIGITAL SYSTEMS, LLC ("IDS"), on the Fifth and Eighth Claims for Relief in the amount of \$1,816,224.43, plus interest from June 10, 2010, pursuant to a certain Unsecured Convertible Promissory Note and Asset Purchase Agreement;

ii. On behalf of RUSS & RUSS PC DEFINED BENEFIT PENSION PLAN, ("The Plan") on the Sixth Claim for Relief in the amount of \$320,430.85, plus interest from June 10, 2010, pursuant to a Promissory Note made by defendant VMS and delivered to The Plan;

iii. On behalf of JAY EDMOND RUSS, on the Seventh Claim for Relief in the amount of \$298,818.42, plus interest from June 10, 2010, pursuant to a Consulting Agreement with VMS; and

b) Pursuant to FRCP 54(b), directing the immediate entry of a final judgment with statutory costs and disbursements in favor of the Plaintiffs and against VMS;

c) Upon the entry of the final judgment, dismissing the First and Second Claims For Relief against VMS only, and severing and continuing the First and Second Claims for Relief

against Jason Gonzalez, Robert Moe, Michael Ryan, Col. Jack Jacobs, Ret., and Marty McFeely (the "Individual Defendants"); and the matter having regularly come on to be heard,

NOW, upon reading and filing the Notice of Motion dated June 9, 2010, the affidavits of JAY EDMOND RUSS, sworn to on June 9, 2010 and July 1, 2010, respectively, Plaintiffs' Memoranda of Law dated June 9, 2010 and June 30, 2010, respectively, Plaintiffs' Statement Pursuant to Local Rule 56.1 dated June 10, 2010, all in support of the motion; the affidavit of JASON GONZALEZ, sworn to on June 23, 2010, Defendants' Statement Pursuant to Local Rule 56.1 dated June 25, 2010, all in opposition to the motion; and the Court, having issued a Memorandum and Order dated August 30, 2010 and entered on September 2, 2010 which granted the motion in all respects,

NOW, upon motion of IRA LEVINE, ESQ., and REED SMITH LLP, the attorneys for the Plaintiffs, it is

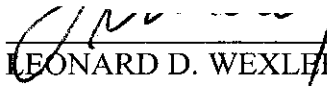
ORDERED, ADJUDGED AND DECREED, that Plaintiff INTELLIGENT DIGITAL SYSTEMS, LLC, having its place of business at c/o Russ & Russ, P.C., 543 Broadway, Massapequa, New York, do recover of the Defendant, VISUAL MANAGEMENT SYSTEMS, INC., a/k/a Intelligent Product Development Group, Inc., having its principal place of business at 1000 Industrial Way North, Suite C Toms River, NJ 08755, the sum of \$1,833,341.65, inclusive of pre-judgment interest at the rate of 12% per annum through August 30, 2010, plus post-judgment interest at the rate of 9% per annum; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiff RUSS & RUSS PC DEFINED BENEFIT PENSION PLAN, having its place of business at c/o Russ & Russ, P.C., 543 Broadway, Massapequa, New York, do recover of the Defendant, VISUAL MANAGEMENT SYSTEMS, INC., a/k/a Intelligent Product Development Group, Inc., having its principal place of business at 1000 Industrial Way North, Suite C Toms River, NJ 08755, the

sum of \$326,370.18, inclusive of pre-judgment interest at the rate of 10% per annum through August 30, 2010, plus post-judgment interest at the rate of 9% per annum; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiff JAY EDMOND RUSS, residing at c/o Russ & Russ, P.C., 543 Broadway, Massapequa, New York, do recover of the Defendant, VISUAL MANAGEMENT SYSTEMS, INC., a/k/a Intelligent Product Development Group, Inc., having its principal place of business at 1000 Industrial Way North, Suite C Toms River, NJ 08755, the sum of \$304,144.17, inclusive of pre-judgment interest at the rate of 9% per annum through August 30, 2010, plus post-judgment interest at the rate of 9% per annum.

Dated: Central Islip, New York
September 30, 2010


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Judgment Entered this _____ day of September 2010

Clerk, United States District Court
Eastern District of New York

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF NASSAU) ss:

JOAN F. LEVINE, being duly sworn deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at Great Neck, NY.

On September 8, 2010 deponent served the within enclosed

NOTICE OF SETTLEMENT OF PROPOSED JUDGMENT

in a postpaid wrapper in an official depository under the care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Certilman Balin Adler & Hyman, LLP
Attorneys for Defendants
Visual Management Systems, Inc., Jason Gonzalez,
Robert Moe, Michael Ryan, Col. Jack Jacobs, Ret.,
and Marty McFeely
90 Merrick Avenue
9th Floor
East Meadow, New York 11554


JOAN F. LEVINE

Sworn to before me this
8th day of SEPTEMBER 2010



Notary Public

IRA LEVINE
Notary Public, State of New York
No. 02LE5004847
Qualified in Nassau County
Commission Expires 11/23/10

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

FILED
U.S. DISTRICT COURT E.D.N.Y.

INTELLIGENT DIGITAL SYSTEMS, LLC,
RUSS & RUSS PC DEFINED BENEFIT
PENSION PLAN, and JAY EDMOND RUSS,

★ SEP 10 2010 ★
Case No.: CV 09-974
(LDW/ETB)
LONG ISLAND OFFICE

Plaintiffs,

-against-

**NOTICE OF SETTLEMENT
OF PROPOSED JUDGMENT**

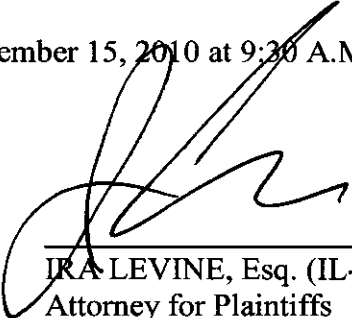
VISUAL MANAGEMENT SYSTEMS, INC.,
JASON GONZALEZ, HOWARD HERMAN,
ROBERT MOE, MICHAEL RYAN,
COL. JACK JACOBS, Ret., and MARTY McFEELY,

Defendants.

S I R S :

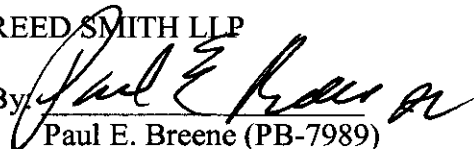
PLEASE TAKE NOTICE that the Judgment of which the within is a true copy will be presented for settlement to the HON. LEONARD D. WEXLER, one of the judges of the within named court, at Central Islip, New York on September 15, 2010 at 9:30 A.M. for settlement and signature.

Dated: Great Neck, New York
September 8, 2010



IRA LEVINE, Esq. (IL-1469)
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ilevinelaw@verizon.net

REED SMITH LLP

By 

Paul E. Breene (PB-7989)
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(212) 205-6023
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TO:

CERTILMAN BALIN ADLER & HYMAN, LLP
Attorneys for Defendants
Visual Management Systems, Inc., Jason Gonzalez,
Robert Moe, Michael Ryan, Col. Jack Jacobs, Ret.,
and Marty McFeely
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East Meadow, New York 11747